

**Minutes
Arden Town Meeting
Monday, September 26, 2011
Gild Hall**

75 Attendees:

Peter A. Renzetti
Larry Strange
Katherine Threefoot
Helen Ohlson
Ed Rohrbach
Warren Rosenkranz
Gary E. Quinton
Jeffrey Politis
Elaine Hickey
Marianne Cinaglia
Steven Threefoot
Tom Wheeler
Ray Seigfried
Willard S. Glenn
David Michelson
Ron Meick
Mary Murphy
Nanette Robinson
Charles E. Robinson
Victoria Gloster
Pat Toman (NV)
Ruth Panella
Hugh Roberts
Alton Dahl
Beverly Barnett

Brooke Bovard
Stephen Harcourt
Betty O'Regan
Tanya Lazar
Jane Claney
Jonathan Claney
Sam Panella
Dale Brumbaugh
David Gerbec
Ruth Bean
Steven Blades
Jennifer Borders
David D. Claney
Heidi Hoegger
Walter Borders
Phil Fisher
Lisa Mullinax
Carol Larson
Danny Schweers
Cynthia Dewick
Barbara Macklem
Larry Walker
Elizabeth Varley
Connie McKinney
Carl Falco

James W. Scott
Mary Marconi
Lynda Kolski
S. E. Sharp
Bill Theis
John DiGiacoma
Jennifer Hintlian
K. Streiff
Jim Laurino
Mike Opelka
Clay Ridings
Toby Ridings
Cecilia Vore
Barbara Henry
Shari Phalan (NV)
Rodney Jester
Debbie Theis
Sue Rothrock
Rick Rothrock
Esther Schmerling
Drumlin Brooke
Asli Richardson (NV)
Tom Long (NV)
Allen Stiles (NV)
Debbie Ricard

Call to Order

Chair Steven Threefoot called the meeting to order at 7:37 PM

Approval of the Minutes

The Minutes of the June 27, 2011 Town Meeting were corrected as follows: under "New Residents" the correct spelling is Duff, not Duffy. The Minutes were approved as corrected.

New Residents

Victoria Gloster moved to Arden a little over a year ago and is living on Millers Rd.

Recognition of the Departed

Victoria Barone, Mitzi Pollock, David Ewing, and Dennis Dillon.

Visitors

A group of four students from Temple University who are studying utopian societies.
Pat Toman, Chair of Ardencroft.

Communications – Chair Steven Threefoot read the following letter:

PETER A. AND ANNIE P. RENZETTI
2409 Woodland Lane Arden, DE 19810
(610) 733 5123 (302) 893-5654

September 25 2011

Dear Village of Arden,

We would like to sincerely thank all the neighbors that volunteered for the “Great Pre-Irene Renzetti Evacuation”. Having endured a major flood less than one week prior – it was such a relief to have at least all of our possessions safely away from potential repeat flooding. The sheer number of people that appeared almost instantly and their undying energy is a real tribute to the community coherence that is Arden. The support for us in our time of need did not end there – the multitude of people that invited us into their homes was overwhelming. Words can not convey how much all of that has meant – it has given us the strength to get up each day and fight the new challenges.

And so it is with a heavy heart that we feel the need to search for a new home outside of Arden. The old house has succumbed to the repeated flooding and is ripe with dangerous mold. We have pursued building a new home on the leasehold, out of the floodplain. However the restrictions and conditions that have been proposed by the trustees in exchange for granting the necessary setback are too extreme for us to even consider. Everyone, including the Department of Land Use New Castle County, has been so compassionate and accommodating through this horrible time in our life – but the trustees seem to feel they have standards that must be upheld no matter the circumstances.

It looks likely that we will land on a farm in Smyrna, DE – it’s not all that far away. Any and all will truly “be welcome hither” and hope that our strong friendships will stretch to accommodate the distance.

Sincerely,

Annie and Peter Renzetti

Trustees’ Report – Connee McKinney read the following report:
The Trustees have several items to report this evening:

Finances: We have copies of the quarterly financial report available tonight. (See Attached) Please note that it does not reflect the taxes paid. We have paid the New Castle County and School taxes that are due September 30 and, tomorrow, we will send out the rebate checks to qualifying leaseholders. Please let us know if you have not received your rebate checks. The tax and rebate totals are as follows:

County taxes	\$84,522.94
School taxes	\$270,748.75
Total County and School taxes paid	\$355,271.69
Rebates to individual leaseholders	\$24,774.60
Total paid	\$380,046.29

The rebates to individual leaseholders are calculated from programs administered by New Castle County. One program gives a tax exemption, and the other program gives a tax credit. The Senior Property Tax Relief is a tax credit for those 65 and over and the other is a senior or disability income exemption based on your adjusted gross income for the previous calendar year. You must apply to receive the tax credit and/or exemption once you turn 65 or you may apply earlier if you need a disability exemption. There is a filing deadline to receive the rebate and/or exemption for the upcoming tax year. Please contact the New Castle County Treasurer’s Office (302) 395-5520 (direct) or 395-5400 (New Castle County, main office) for an application and for any questions that you have. It is a simple application, and we have found that the County is very willing to assist you in filling out the paperwork.

The budget committee has the Trustee budget for fiscal year 2012-13. We will be issuing the second check to the Village for their expected expenses. Trustee Carl Falco will be talking to the Village Treasurer about that.

Leaseholds: We are in discussions with leaseholders about flooding problems with their leasehold. The Forest Committee has been part of that conversation since that leasehold abuts the Arden woods. No decisions have been made at this point.

Lease Transfers: There has been one lease transfer since the June Town Meeting. The transfer was to John and Cristobel Selecky, 2203 The Sweep.

If you have any questions or concerns, please contact us at 302 475-7980. Mike Curtis, Carl Falco and I are, of course, available to talk with you one-on-one.

Respectfully submitted,
Connee McKinney, Arden Trustee

Questions –

Alton Dahl – Could you explain the Trustees’ decision regarding the Renzetti’s situation? *Connee* – Nothing has been decided. When the Trustees encounter any situation, first they listen, then discuss, then listen some more and do some research, discuss, and make a decision. We are in the discussion phase. The leaseholder proposed putting a new dwelling eight feet from the setback line that abuts Village land, with a possible exchange for public access after they demolish their current home that is on the creek. We are concerned about a garage that was built without a building permit on a concrete pad within the setback and forest land. There are two issues, the house and the garage. Our position was to talk to our lawyer to find out if granting a variance would set a bad precedent, particularly for the garage. We are under County Code and that’s where we want to remain. *Alton* – Why the concern about the setback? More than half the Arden houses don’t follow the setback rules and the Trustees have repeatedly allowed new construction within the setback. *Connee* – It is always difficult to make decisions about Arden leaseholds and their idiosyncrasies. I’ve been a Trustee almost ten years and can count two lease transfers that went smoothly. We ask ourselves, if we make an exception, should we make this exception for everyone, just as we did for the garage that is in front of your house. We supported that because there are so many leaseholds with structures in their front yards. In this case, the setback abuts Village land. The Village has some vested interest in this discussion and we can’t unilaterally grant a setback okay when it directly affects the Village. *Alton* – So are you saying the Forest Committee makes the decision? *Connee* – It is a conversation between both of us. *Alton* – I am sad to hear the letter from the Renzettis. The family has been part of the Arden community since almost the beginning of the Village. Even if they leave, the value of the property will be dependent on this decision. If a house cannot be built on that leasehold, it will have a major financial impact. *Connee* – I agree. That’s why we were working closely with them. Ardentown has had to declare a lot unbuildable and that is something we would not like to pursue. *Alton* – Where does the Forest Committee stand on this? *Forest Committee* – It is their decision.

Rodney Jester – Violations have been dealt with at the point of lease transfer. Whole buildings have been torn down. Historically, we just can’t build in the Forest or on the common land. I don’t think anybody wants to set a precedent. *Alton* – That is a good point, but the encroachment into the Forest is about one foot.

Trustees’ Report Accepted

Treasurer’s Report – David Michelson

David presented the Statements of Financial Position. (See Attached) On the spreadsheet for “Special Village Funds” the Balances Available for Grants is \$4,000 in the Schroeder Bequest Fund that was granted to the Forest Committee (\$2,000) and the Playground Committee (\$2,000) but have not yet been requested. Availability will expire on March 24, 2011.

At the last Town Meeting David announced that we took \$25,000 from our General Operating Fund to seed a bank account for the Energy, Efficiency, and Conservation Block Grant fund and that at the end of the grant period we would pay ourselves back from the State funds we receive. We were able to do that last month.

Questions-

Carl Falco – On the first page of the Statement of Financial Position, item #1032 - isn’t the \$25,000 that is listed as the Schroeder Bequest, the money that the Trustees turned over to serve as the Village Reserve? *David* – Yes. *Town Chair Steven Threefoot* – It is a housekeeping issue. The Village Reserve is in the Reserve, but the funds that are in Arden Building and Loan are acknowledged for the Bequest.

The Treasurer’s Report Accepted

Advisory Committee Report – Bill Theis

Bill announced the list of nominees for the Board of Assessors. They are:

Roger Garrison
Denis O’Regan

Clay Ridings
Tom Wheeler

Brooke Bovard
Walter Borders

Bill Theis
Gary Quinton
Warren Rosenkranz

David Gerbec
Mickey Fitzharis
Liz Resko

Larry Walker

Charles Robinson nominated himself from the Floor.

Questions: None

Advisory Report Accepted

Board of Assessors – Alton Dahl

Chair Steven Threefoot made the following clarification:

The reading of the Alternative Assessment is equivalent to having a Motion on the Floor. In order for an Alternative Assessment to go to Referendum along with the Board of Assessors' Report it would need to receive two thirds of the vote tonight.

Alton presented the Alternative Assessment (See Attached) and explained that he and Tom Wheeler, both members of the Board of Assessors and not happy with one of the provisions that was adopted by the Board, chose to bring an Alternative Assessment to the Town Meeting. The only difference between it and the Board's Assessment is that the Board chose to separate the trash collection costs and charge them directly to leaseholders. The net result being large leaseholds pay less land rent and small leaseholds pay more land rent. Everything else is the same on the two Assessments. The total Town costs are all the same. The reason for our objection is the change is the procedure. The alternative assessment proposal is very similar to the Assessors report, but it incorporates the trash expense in the same way it has been done for many years. Our objections to the use of trash costs as a separate charge in determining land rent:

1. The Town Meeting discussed this issue when the Village decided to adopt municipal trash collection and decided that the cost would be paid out of the general fund and not itemized. Therefore, the Assessors are taking action counter to the decision of the Town Meeting.
2. The original reason for suggesting this change was that the proportion of the land rent used for trash collection had changed dramatically from years past, but this belief was shown by actual data to be false.
3. The A rate in the formula used for many years recognizes that the most valuable part of a lease is the right to establish a domicile and the services to support it. Therefore, 65% of all land rent comes from the A rate (equal for all leaseholds) and the B rate (for additional domiciles).
4. The formula then provides a 60% discount for the land area greater than that included in the A and B rate calculation. The change included in the Board of Assessors report will increase this discount to 68%.
5. The idea that the amount of trash collected is similar for each leasehold is difficult to support for many reasons. E.g., some leaseholds have many residents, some only one; small lots produce little yard waste, large lots produce much; some recycle effectively, some don't.
6. The complaint by some large leaseholders that they are being charged unfairly is hard to reconcile with the fact that last year the fifteen largest leaseholds paid an average land rent of \$125 per thousand square feet while the 15 smallest averaged \$202.

Discussion-

Rodney Jester – I hope you all vote for the Alternative Assessment. The Board of Assessors' Report makes no sense. If you really want to break it out individually then you should do it by the number of domiciles, not the number of leaseholds.

Lynda Kolski – I support what Rodney says. It should be by domicile. Leaseholds that have more than one domicile have more trash. It makes no sense to pull things out of the land rent and separating them like this. I strongly encourage people to vote for the Alternative Assessment.

Mary Murphy – I just want to clarify that the Alternative Assessment is not suggesting that trash collection be charged by domiciles. *Alton* – No. It suggests that we continue doing the assessment the way it has always been done.

Charles Robinson – I was recently told about someone who went from Waste Management to Evergreen and cut the cost of their trash collection in half by doing so. To what degree do we solicit bids? *Steven Threefoot* – We do that but that is not part of the discussion now. *Charles* – That is prelude to the point that our trash collection is \$75,000/yr. We have a larger leasehold and pay \$750/yr., 1/100 of \$75,000, for trash collection. It is very difficult to determine the amount of trash a large or small leasehold generates. If the Board of Assessors' Report goes through the charge would be divided by 200 leaseholds and I would pay \$375/yr. I'm speaking on behalf of equality in terms of the amount charged for trash collection across the community and in my own self-interest. *Alton* - Separating services out and saying how much you pay is not part of our system.

Ed Rohrbach – I've noticed that the amount of trash that people put out is in no way relative to the size of their lot. In my opinion neither system is fair on that basis, but municipal trash collection is an amenity for the whole Town. We all enjoy the benefits it entails, and that is how we should look at it. I go with the Alternative Assessment.

Walter Borders – I am a member of the Board of Assessors who approved of the Report. Arden's situation is unique in that the Town procures the trash collection contract and we cannot go out and do it individually. Given that, we took the basic size of a leasehold, 7116 sq. ft., as a unit to make a factor for paying for trash collection. Even among the Assessors who voted for the Report, there was disagreement. We don't pay by leasehold now, but by pick-up points – many more than the 198 leaseholds in the Village. The Board's Assessment is trying to strike a compromise. We felt that the 7116 sq. ft. A Rate Basis fits into the normal structure of the community standard of living methodology that has been used for 20-30 years for figuring land rent. We decided on the A Rate to figure the trash collection cost and exclude the location and yard size factors. I am against the Alternative Assessment.

Brooke Bovard – I previously served on the Board of Assessors. This discussion has been going on for many years. The Assessors are sworn to pass an assessment based not on improvements to the land but on the area of the land. Breaking out individual services may be more equitable, but wrong to do by domicile, which is considered an improvement. It is getting away from the single tax. In a community everyone pays for some services they don't directly use, e.g. public schools. Town Meeting decided that it was a value to the community to pay for trash collection. I don't think the Board has presented enough reason to change the working system that we have been using for many years. I support sending the Alternative Assessment to the Town so that they can make the decision as a whole.

Call for the Question

Cecilia Vore, Registration Committee Chair – The Alternative Assessment would have to pass by two thirds of the eligible voters here this evening. The sign-in sheet was used to get the total number of qualified voters. Forty-five "Yes" votes would be needed in order for the Alternative Assessment to go to Referendum.

Approved: 55 Yes, 12 No, 1 Abstention.

Both assessments will go to Referendum. The winning assessment will have to get over 50 percent of all eligible voters. If neither gets 50 percent, it is likely we would continue with the assessment we have this year.

Brooke Bovard – Could both assessments be made available on the website? *Steven Threefoot* – Yes.

Ad Hoc Committee on Absentee Voting – Marianne Cinaglia

This is the third reading of the Ordinance, which is up for vote this evening. Marianne requested a paper vote. *Cecilia Vore* – When a request for a paper ballot is requested the Town Meeting votes on it. It is generally requested if someone believes a paper ballot will have a truer expression of the feeling of this meeting. Normally a voice vote is done but if it is inconclusive a hand vote is taken.

All those in favor of a paper ballot:

Noes have it. A paper ballot for the Ordinance will not be conducted.

3rd Reading:

Village of Arden Ordinance 15: Election of Town Officials and Committee Members

Section 1. Purpose: Arden shall have a procedure for electing Town Officials and Committee Members that more closely parallels the process used to approve the yearly budget. This process would allow all members of the Town Assembly to more fully participate in Town affairs and will be effective for the March 2012 election.

Section 2. An Act to Reincorporate the Village of Arden (1968) Section 4: Structure of Government states: "The Town Assembly shall consist of all residents of the Village."

Section 3. The election of Officials and Committee Members shall take place at the March Town Meeting.

Section 4. The election shall be conducted by the Registration Committee:

- a. Ballots shall be mailed to residents by the Registration Committee four (4) weeks before the March meeting.
- b. Ballots shall be returned by mail or by hand delivery before the adjournment of the March Town meeting as specified by the Registration Committee. Ballots shall also be available at the Town Meeting.
- c. Replacement committee members shall be selected, largest number of votes first, from the committee nominees of the previous election. Replacement officials shall be nominated by the Advisory Committee. Names of the nominee(s) shall be included on the meeting agenda mailed to Town Assembly members. Election shall take place at the Town Meeting as prescribed in "An Act to Reincorporate"

Discussion:

Marianne – Sally and I spent Saturday and Sunday trying to talk to the people in Arden about this and collected over 50 signatures in support of the ordinance. (Submitted to the Town Secretary) In summary I have listed the following 10 reasons for supporting Ordinance 15:

10. This is an absentee ballot – people who are absent from the meeting can vote for the election of officials and committee persons.
9. "An Act to Reincorporate..." defines "the Town Assembly" as all residents of the Village and not just the residents that attend Town Meetings and today's lifestyle warrants a method of participation in civic affairs that expands the opportunity for involvement in Town government.
8. Some people on the ballot never attend Town Meetings.
7. We are one of only three municipalities in the State that does not have a form of absentee voting designated by law and an ordinance is a law. Our Town lawyer thinks an ordinance is the way to go. (This situation was the result of House Bill 410 enacted by the 143rd General Assembly of 2005-2007.)
6. The present Ordinance has evolved throughout a period of over two years and is based on input at open meetings.
5. There is no written process defining the Arden ordinance method however, changes or additions for clarification would seem to be a logical part of the three-reading process. The addition of 4c does not change the meaning or intent of the ordinance. This logical clarification added in the second reading makes clear a reasonable process and that that a mail ballot would not be required to elect replacements.
4. Although the Registration Committee feels this ordinance steps into its territory, both language in "An Act to Reincorporate..." and the Red Book describe the duties of the Registration Committee as the conductor of elections, not the composer of the slate or rules.
3. The process described is not new to Arden elections. We use it yearly in the fall referendum to elect the Board of Assessors and pass the budget. Many residents support the idea of allowing all residents to vote for committee members and officials.
2. Improvements can be made to the ordinance by using the process: however, in the meantime we have a "law" that addresses absentee voting using a familiar Arden method.
1. We are Arden. We pride ourselves on having an open and inclusive community and form of government. We already have a fall voting/referendum process that illustrates that and we need to extend the same concept of universal voting to include election of committee member and officials.

Town Chair Steven Threefoot – Point of Order. We do not have a written procedure on how to handle the ordinance process but we have been following the same process for many years. We will soon have it documented.

Elizabeth Varley – I am going to vote against this ordinance. Marianne requested an absentee voting procedure many years ago and I have gradually come to agree with the need for it, however this is not an absentee balloting procedure. It substantially changes the way the March election would be run. The Registration Committee has come up with a procedure that I think will work. If, after a trial period, it does not work, we could consider an ordinance that addresses absentee voting.

Ruth Bean – I am on the Registration Committee. I too had been against the idea of having an absentee ballot but over time, hearing people talk about it, I feel it is justified. It is part of the Delaware voting procedure. The Town asked the Registration Committee to come up with an absentee voting proposal. We did and it is based on the absentee voting procedure of the State of Delaware. I am against this ordinance.

Cecilia Vore – A motion was passed in March asking the Registration Committee to come up with a absentee balloting procedure. The Ad Hoc Committee did not come up with a procedure. I have a procedure and affidavit that I will describe during the Registration Committee Report. Many things are wrong with this ordinance, beginning with the definition of "all residents of the Village" being the Town Assembly. The Town Assembly is all

residents who actually come to Town Meeting and that goes along with the requirement for a quorum in order to conduct business. A Resident is someone who lives in the Village and is eligible to vote is clearly defined. Town Meeting and Resident don't mean the same thing. The ordinance would cost the Town \$358 until postage rates go up again. This is without including a postage paid return envelope. If we did that, then the cost would be \$523. The cost includes postage, stationery, and postage. It would also involve many more hours of work on top of what we are already doing. If this ordinance is passed we will have to amend the Act to Reincorporate because it now states that the election be held at Town Meeting. A mail-in ballot is something totally different. After the Act to Reincorporate is changed, the Registration Committee that is in place would enact it.

Marianne- The Act to Reincorporate states very clearly in Section 4 that "the Town Assembly shall consist of all the residents of the Village." It says nothing about whether they attend meetings or not. I know that the expense is something to think about but it has also been suggested that we use email. *Steven Threefoot* – Email is not explicitly stated in the Ordinance and we cannot get involved in that discussion now. I think most interpret the Ordinance to mean the use of the US Mail.

Gary Quinton – I have been a voter since 2006; lived in Arden for six years. I'm not a member of the Registration Committee. I was solicited yesterday to sign the petition for Absentee Voting. I am for the principles of this ordinance but cannot support it. All the arguments for why we should have absentee voting are valid. Absentee voting is allowed in Delaware and other states for many reasons including: work, public service, religion, vacation, illness, and disability. My issue is with the transactional side, which requires this village mail out ballots four weeks ahead of the election to every eligible voter. Granted we do this for the budget referendum, but that is the way things have been done in the past. I spot checked about 20 percent of the States and all allow some form of absentee balloting, but none send an unsolicited ballot to the voter. The voter, in every case, needs to request a ballot, anywhere from the day of the election to 4-6 weeks prior to the election. The point is that the voter is responsible for the request, not the municipality. This ordinance will burden the Advisory and Registration committees since our slate is probably not anywhere near final four weeks before a Town election. This ordinance would force a discipline which we have not demonstrated could be done, and would bind us to the details of the transactional side. I recommend not supporting this ordinance. The instructions for absentee voting that are on the State of Delaware website are easy to follow and use. I have personally used them four times when I have not been here for November elections.

Brooke Bovard – Attending Town Meetings and serving on committees can be a pain, yet some of us do. I came tonight because I am not happy about receiving an anonymous leaflet urging me to vote for this proposal. I live in a world that relies on low information voters and anonymous reporting of our neighbors to determine the atmosphere on our living. I am not willing to turn one more thing over to that trend. What little information we get about what's going on in this town happens in this room. Even though something might prevent you from being here, this is where our voters need to be. I will be voting against this.

Ed Rohrbach – We already have procedure for absentee voting from the Registration Committee that was approved by the Town Assembly. This ordinance would cost a lot more and take a lot of work to implement.

Hugh Roberts – I was not happy about the anonymous pamphlet. I do agree with some of the things in it, but I disagree with the fact that we would not be able to make any changes to the procedure later if it didn't work. *Marianne*- An ordinance is much better protection for voter rights. We don't need a resolution that can be changed.

Beverly Barnett – I am not on the Registration Committee but I support their procedure. I oppose this proposal partly because of extending the Referendum. I think it is important that the Town hear each quarter what our committees say and do.

Mary Marconi – I haven't been to Town Meeting for a long time, but I hear plenty of news of what goes on. People are talking in this Village all the time. A few years ago there was the start of an absentee voting movement and it died. I think that's what Marianne is worried about.

Call for the Question – The question on the Floor is the adoption of Ordinance 15 as read.

Noes have it. Ordinance 15 is defeated.

Steven Threefoot – Thank you Ad Hoc Committee for the time you put into this issue. *Alton Dahl* – You said that we plan to have a procedure on how to handle ordinances. *Steven* – There is a proposal for that in Community Planning and they plan on bringing it up at the January Town Meeting.

COMMITTEE REPORTS

Archives– Lisa Mullinax

An article in the October/November 2011 issue of Old House Journal magazine discussed Arden's architecture and gardens. Copies of the article are available at the Museum. We have asked the author, Bill Massey, to give a lecture at the Museum in the Spring. Afternoon with the Artist, on October 16, will feature photographs of Arden taken by ACRA campers for the "Arden My Arden" project. The reception will be from 1-3 p.m. with remarks by Barbara Macklem, who coordinated the project at 2. We'll be showing examples of all the children's photos, their artists' statements, and a slide show. Next month's Remembrance Day, on Oct. 23, 2-4 p.m. in Gild Hall, will share stories about the Burslem family. Please join us! Regular hours at the Arden Craft Shop Museum are Wednesdays 7:30 to 9 p.m. and Sundays, 1-3 p.m.

Respectfully submitted,
Lisa Mullinax

Questions:

Beverly Barnett – Will the ACRA campers' photo exhibit be available to see at the Archives after October 16th? *Barbara Macklem* – Yes, they will become part of the Archives Collection.

Archives Report Accepted

Audit– Cookie Ohlson

An internal audit was conducted on the Arden books on September 21, 2011. There are no discrepancies to report.

Questions: None

Audit Committee Report Accepted

Budget – Jeffrey Politis

Jeffrey presented a draft of the 2011-2012 Budget (See Attached). By accepting this Budget Committee Report, it would become the Budget Referendum. The Budget Committee will meet with the Buzz Ware Village Center Committee regarding how they can mitigate risks to their income.

Questions – None

Budget Committee Report Accepted

Buzz Ware Village Center – Warren Rosenkranz

Room rentals are on the same pace as last year. We expect to meet our Budget projections. The Annual Fundraiser for the BWVC- Peddlers, Potions and Practitioners netted approximately \$4000 for the Building Renovation Fund during the Arden Fair. This brings us up to \$4800 in that fund. The contracts for the Energy grants are either signed or being sent to the selected vendors for boilers, new lighting and PV solar panels for the Buzz Ware Village Center. We expect to have work started shortly.

Respectfully,
Warren Rosenkranz, Co-chair, BWVC

Questions:

Clay Ridings – Who are the contractors for the work being done through the Energy Grant? *Warren* - First State Electric for the lighting and Burns & McBride for the gas boiler. We are waiting on Delmarva to relocate the gas line.

Lynda Kolski – Have contracts gone out for the solar panels? *Warren* – Yes. We've received one. Two more went out today. *Lynda* – When will work start? *Warren* – Burns & McBride will start as soon as Delmarva relocates the gas line. The electric contract should start by the fourth week in October. *Lynda* – In light of the current confusion in the State of Delaware regarding the Energy Program, I would encourage you to get the work done as soon as possible. *Steven Threefoot* – This money is in a separate pot of funds and has nothing to do with that.

Clay Ridings – Will the buried oil tank be removed? Warren – It will be emptied and sealed according to Delaware Dept. of Natural Resources & Environment instructions.

Buzz Ware Village Center Committee Report Accepted

Civic – Tom Wheeler

The contract has been signed with Downing Paving to fix pot holes and repave sections of Pond Ln. and Millers Rd. Street signs have been painted. The Welcome Hither sign has been cleared of invasive plants and will be repainted. Two arborists were asked about the condition of the Fels Oak and both agreed that it appears to be very healthy and in need of a trim. We will test the soil before adding any new supplements.

We gave the Arden Club permission to install an electrical box on the Sherwood Green. It is similar to the one at the Field Theater. The Club paid all costs.

Trees that were struck by lightening a week prior to the hurricane are slated for removal - one on the Arden Green at 2321 Woodland Ln. and one on the Right of Way between 1801 and 1803 Green Ln. Storm drains on Millers Rd. were cleared prior to the hurricane. Hurricane tree damage cleanup has been completed. We note that the Gild Hall was open to serve as a shelter for residents of the Ardens during the hurricane

Questions-

Jeffrey Politis – We voted not to spray for mosquitoes, but could the Civic Committee reconsider this? The problem was very bad this year. *Steven Threefoot* – It is too late this year. Civic can look into it in the future.

Cynthia Dewick – What is happening to the brush trash from the oak that fell on Meadow Ln.? *Tom* – A contract has been awarded but the work has not been completed yet.

Clay Ridings – Who could look into getting a generator from Delaware Emergency Management Agency (DEMA) for the Gild Hall when we need it during a disaster? *Steven Threefoot* – You would have to talk to the Arden Club about that.

Civic Committee Report Accepted

Community Planning – Ray Seigfried

Over a year ago we voted to ask for an exception to the New Castle County Land Code on tree branches and parking. Unfortunately our proposal has been bounced back and forth between the attorneys of the County Executive and the County Council. The County is concerned about lawsuits involving exceptions. Hopefully, by the next Town Meeting I will have something to present to the County Council.

The Town Chair has given us a draft written policy on ordinances. We will work on the proposal for the January Town Meeting.

This is the second reading of the Ordinance on Vacant Dwellings.

Arden Ordinance No.

ANNUAL REGISTRATION OF VACANT DWELLINGS AND REGISTRATION FEES

I. Purpose. The purpose of this ordinance is to require the registration of all vacant dwellings and the payment of registration fees to assist Arden in protecting the public health, safety and welfare, as well as to encourage occupancy for civic engagement in the Village, to monitor the number of vacant dwellings, to assess the effects of the condition of those dwellings on the Village, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the leaseholder of such vacant dwellings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant dwellings. The provisions of this ordinance are applicable to the leaseholder of such vacant dwellings as set forth herein.

II. Administration. The administration of the registration of vacant dwellings and the registration fee shall be facilitated by the Village Secretary and the Community Planning Committee.

III. Definitions. The following words and phrases shall have the meanings respectively ascribed to them as follows:

(A) Dwelling A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. ADUs are considered a dwelling.

(B) Occupied: Any dwelling shall be deemed to be occupied if

1. one or more persons actually resides in all or any part of the primary dwelling or conducts a lawful business as the licensed business-occupant, or as the legal or equitable leaseholder/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same or,

2. 100% of any leaseholder ADU's are occupied as described in section 1 or,

3. a leaseholder who maintains a dwelling for transient use shows evidence of continuous periodic occupancy, such as leases, affidavits, or proof of insurance for this use.

4. Evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services, a valid business license, or the most recent, federal or state income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy.

(C) Vacant: A dwelling shall be deemed to be vacant if

1. no person or persons actually, currently resides in or conducts a lawfully licensed business, in any part of the building as the legal or equitable leaseholder or tenant-occupant(s), or leaseholder-occupants, or tenant(s) on a permanent, nontransient basis or,

2. less than 100% of any leasehold ADU's are occupied as described in section 1 or,

3. a leaseholder who maintains a dwelling for transient use has a period between occupancies of more than 12 months and/or cannot provide evidence of lease, affidavits or proof of insurance for this use.

(D) Leaseholder: A leaseholder of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

IV. Applicability: The requirements of this ordinance shall be applicable to each leaseholder of residential property consisting of one or more vacant dwellings that shall have been vacant for more than one (1) year. Each such leaseholder shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and addresses of all leaseholders. The registration fee(s) as required by subsection V of this ordinance shall be billed by the Village Secretary in November and shall be paid by January 31 of each year. For purposes of this section, the following shall also be applicable:

(A) If the leaseholder is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the secretary of state;

(B) If an estate, the name and business address of the executor of the estate;

(C) If a trust, the name and address of all trustees, grantors, and beneficiaries;

(D) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;

(E) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(F) If an individual person, the name and residence address of that individual person.

V. Registration statement and fees; local agent. If none of the persons listed, as above, is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant dwellings, and shall be required whenever any dwelling has remained vacant for more than one (1) year or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering. The leaseholder of the vacant property as of November 1 of each calendar year shall be responsible for the payment of the non-refundable registration fee. Said fee shall be billed by the Village and based on the duration of the vacancy as determined by the following scale:

(i.) No fee for properties that are vacant for less than one year;

(ii.) \$500.00 for properties that are vacant for at least one year but less than two years;

(iii.) \$1,000.00 for properties that are vacant for at least two years but less than three years;

(iv.) \$2,000.00 for properties that are vacant for at least three years but less than five year;

(v.) \$3,500.00 for properties that are vacant for at least five years but less than ten years; and

(vi.) \$5,000.00 for properties that are vacant for at least ten years, plus an additional \$500.00 for each year in excess of ten years.

VI. Appeal rights. The leaseholder shall have the right to appeal the imposition of the registration fees to the Village upon written notification to the Town Secretary no later than 30 calendar days from the date of the billing statement. On appeal, the leaseholder shall provide satisfactory objective proof of occupancy, as defined in section III.

VII. One time waiver of registration fee. The leaseholder shall have the right to a waiver of the imposition of the registration fees to the Village upon written notification to the Town Secretary no later than 30 calendar days from the date of the billing statement. A one-time waiver of the registration fee may be granted by the Village through a majority vote at the next regular meeting upon application from the leaseholder, within 30 calendar days from the date of the bill for the registration fee. Waivers may be granted by the Village if the leaseholder;

(i.) Demonstrate with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant dwelling; and

(ii.) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant dwelling; or

(iii.) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period.

(iv.) Has paid all past due vacant registration fees and all other financial obligations and/or debts owed to the Village which are associated with the vacant property.

With regard to an extension of a waiver only, the time period of the extension shall commence on the date of the written decision granting the extension and, in no event shall an extension exceed one year. An extension of a waiver shall only be granted once.

VIII. Delinquent registration fees as a lien. After the leaseholder is given notice of the amount of the registration fee due, except for those leaseholders that have properly perfected an appeal pursuant to subsection VI and VII above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the Village, and shall constitute a lien in accordance with Title 25, Section 2901 of the Delaware Code and the Village may commence a civil action to collect such the unpaid debt.

IX. Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the leaseholder, responsible party or agent for the same to contact the Village Secretary within 30 days of the occurrence of such change and advise the Town Secretary in writing of those changes.

X. Violations; penalties. The failure or refusal for no reason of any leaseholder, or agent of a leaseholder acting on behalf of the leaseholder, to register a vacant dwelling or to pay any fees required to be paid pursuant to the provisions of this ordinance, within 30 days after they become due, shall constitute a violation and will be fined in the amount of \$100.00 for each failure or refusal to register, or for each failure or refusal to pay a required vacant dwelling fee, as applicable.

9/22/11

The Committee has addressed the following questions that were raised after the first reading:

Questions about the Vacant Dwelling Registration Ordinance

1. What is the purpose of this ordinance?

The purpose of this ordinance is to require leaseholders who own a dwelling in Arden that is vacant for over a year. It is not focused on leaseholders who own ADUs.

2. Who will administer this process?

Administration of this ordinance will be performed by the Village Secretary and Community Planning Committee. Together they will manage the process of this ordinance.

3. If I own several ADUs and some or all are vacant during a year must I register?

Under section III [B] Occupied there are several ways in which you will not have to register or you can appeal. Again the purpose of this ordinance is leaseholders with dwellings vacant over a year.

4. How does the registration process work?

The Village Secretary will obtain a list of houses vacant for over one year from the Registration Committee during October each year. In November the Village Secretary will send a letter with registration to these leaseholders.

Leaseholders who receive this letter have 30 days to contact the Secretary if they want to appeal, obtain a waiver or

provide information showing the house is not vacant for over a year. Leaseholders who have dwellings vacant over one year will need to register and pay their registration fee no later than January 31.

Modifications from the first reading are:

Section II. Administration has been added. (see question #2 above).

Section III. Definitions – has been broken out into a bulleted format. Under “Occupied,” number 1 covers one property that has a house and one or more Accessory Dwelling Units (ADUs). If someone lives in the house and the ADUs are vacant, you do not have to register. Number 2 - if you have one or more ADUs and all of them have a lease with someone living in them, you don’t have to register. Number 3 – if you have an ADU that you occasionally rent out, we would require proof of insurance, or that it is a guest home. Number 4 lists ways of proving evidence for numbers 1, 2, or 3.

Questions –

Connie McKinney – What if someone has a job that keeps them out of the country and they come back to the home periodically. They are not renting it to anyone, and their real residence is out of the country. *Ray* – We are looking at twelve consecutive months of no one being in the house. One day of occupancy would meet the requirement.

Lynda Kolski – What if a building, which has five apartments in it, is owned by a non-resident and two of the apartments are rented and one has been vacant for 15 years and is condemned by the county? *Ray* - This would fall under Section III (C) 2 – all the apartments would have to be rented or else register.

Beverly Barnett – For clarity, in the first use of ADU please write “Accessory Dwelling Unit.” Also, page 2 is missing from the handout. *Ray* – I apologize. The only difference on page 2 from this reading and the first reading is that we broke out the definition of “Vacant” into bullet format. *Beverly* – On the “Questions” handout you do not tell what leaseholders will be required to do, and it’s not clear exactly what it is about “leaseholders” that is the purpose of the ordinance.

Charles Robinson – You use both “continuous” and “continual” in Section III (B). *Ray* – I’ll check on that.

Carl Falco – What would happen if you had a leasehold with no dwelling on it? *Ray* – It does not apply.

Carl – So you would penalize someone for not putting someone in a house but they can leave an empty leasehold and not be penalized. *Danny Schweers* – I think Carl is getting at the limitation. It is true that this ordinance is not addressing vacant property. What we are doing is based on what the State law permits us to do. We are following very closely the City of Wilmington ordinance. We are sympathetic with wanting to have dwellings on the land. Supposedly a fair Georgist land rent encourages people not to leave their leaseholds vacant. *Carl* – That’s exactly the point. We already have the Single Tax system in place that is suppose to accomplish being penalized if you don’t have someone in your dwelling. *Steven Threefoot* – That discussion will come up in January.

Steven Threefoot – In Section II you have Community Planning taking up an administrative role. *Ray* – We are open to doing it. *Steven* – When it gets codified it becomes an ongoing commitment for Community Planning.

Ray – There is one other modification in Section VII in regards to the length of a waiver. The time period was changed from 90 days to one year.

Tom Wheeler – Under the purpose for the ordinance you list “fire safety hazard, unlawful temporary occupancy by transients, including drug users and traffickers.” Do you have any evidence of that? *Ray* – We have lifted the language from the City of Wilmington ordinance. We did that very deliberately because it has led to Wilmington winning court cases against them. We don’t have evidence of it but we want to make it as strong as possible. *Tom* – We just chose to pass an absentee voting registration procedure that is succinctly an Arden thing, not feeling the need to follow State law. We did it because we’re Arden.

Community Planning Report Accepted.

Forest – Elizabeth Varley

Summary of discussions of Tree Removal Policy

Three meetings: July 18, August 29, and September 19, 2011

- Arden Forest Tree Removal
- Risk Assessment
- Responsibility for cost of removal

The Forest Committee states that the following factors are of importance when considering tree removals: 1) Tree is sited in flood plain or wet area or area of runoff; 2) Species of tree; 3) Tree is damaged or diseased, is leaning or has poorly positioned growth or leaders; 4) Distance of tree from and position near structures or path.

It is our policy not to remove a tree unless it can be determined that it has risk factors as stated above. Standard procedure is to cut the tree so that standing trunk remains (up to 20') to provide habitat and decrease the cost of the removal. Brush remains in the forest for the same reasons.

Procedure for removal request: Leaseholders should contact the Forest Committee for assessment in advance of removal. If the committee can't determine a clear risk, we then obtain the opinion of an unbiased arborist or forester to determine hazard level. In some cases we would choose to monitor the health of the tree in question. If the leaseholder remains convinced of the risk caused by the tree, under some circumstances the committee may approve a removal at the leaseholders expense.

Responsibility for cost: Questions were raised about county responsibility for the Arden Forests. Charles Robinson researched this with calls to Office of Land Use. They denied any responsibility for forest maintenance or liability. Requests for tree removal will prompt negotiation of division of the expense with the leaseholder. We will apply for state funding or grants whenever possible given the time of year and urgency of the removal. The Schroeder Fund is limited to a few thousand per year and distribution is determined by the Advisory committee. This year, it was awarded to specific projects, not general maintenance like tree removals. The Forest Committee Budget is limited and we would like to use it for more than removals. We'd like to replant to increase our tree canopy and plant for the restoration of the forest and creek-sides to improve water quality and reduce runoff.

The Committee would like to thank all those who attended and added to the conversation.

Ongoing:

Upcoming forest committee meetings will focus on parking issues and accessibility to the woods – fencing or permeable parking? Do we want to improve accessibility for Ardenites, or do we need to limit accessibility because of misuse?

We are seeking state grants to help fund hazard tree removals and are anticipating grants to become available for removal of invasive species. We have also been experimenting with plants that can stabilize the floodplains and wet areas. Some species include swamp milkweed, bee balm, sweet flag, sedges, turtleheads and cardinal flower, varieties of which like wet roots.

Questions:

Alton Dahl – What are the reasons for your not agreeing to a revised setback from the County Code on the Renzetti leasehold? *Elizabeth* – The Trustees, Forest Committee, and Renzettis met and at no time was it said, “no, you can’t do this.” We asked questions and they were to get back to us for continuing deliberation. The concerns that the Forest Committee raised were: the proximity of the new building to the forest, and how would the trees be protected from damage? *Alton* – Is it 8 feet from the trees or 8 feet from the property line? There is a wide path between the path and the property line and the forest. I can’t see how they could get that close to the trees and still be within the property line? *Elizabeth* – Damage can occur up to 20 feet beyond the drip line. *Alton* – I suggest you use a tape measure because the tree line is a long way from the property line. *Elizabeth* – Your premise is that the Committee turned them down and told them they could not build a house but that did not happen. We had questions about the welfare of the trees that need to be answered. As far as I am concerned it is still an ongoing conversation. *Alton* – The people involved believe you are going to say “no,” but perhaps that is a wrong assumption.

Sue Rothrock – Apparently, from the Trustees’ Report, there is already a building encroachment into the forest? *Elizabeth* – Yes. *Sue* – It is up to the Town Assembly to give permission to build on forest land, not the Forest Committee, nor the Trustees. If we are going to allow somebody to permanently have a building on Town land, it has to be brought up at Town Assembly. *Steven Threefoot* – We have done that in the past with the Revocable Lease.

Tom Wheeler – I have a question about the issue with the tree roots. This came up recently regarding the Fels Oak. I had Bartlett Tree Experts take a look at it and they said the tree is in great shape.

Ruth Panella – Nothing has been mentioned this evening to indicate an ongoing acknowledgement by the Renzetti’s of an additional encroachment in the woods which involves a parking place that had been brought to their attention prior to May 2008. The issue came up at many Forest Committee meetings. Finally a letter was sent to the Renzettis telling them that barriers would be put in place so that parking would not be permitted. I placed barriers and Pete removed them. Now they are requesting a variance to alter the woodlands. The leaseholders already have alter the woodlands in the past. I want that to be the matter of the record.

Danny Schweers – I see that we have a long term debt for the Avery property. Could that be paid off using the Schroeder Bequest? *Elizabeth* – No. It is clear that it is not to go towards the purchase of the Avery property. *Danny* – You say the disbursement of these funds is limited. *Elizabeth* – We have decided not to touch the principle. *Steven Threefoot* – A procedure for dispersing those funds has been established. At the September Town Meeting the Treasurer announces the amount of available funds. Unfortunately we forgot to do that this time. Standing

Committees can then submit their requests to the January Advisory Meeting. Advisory reports this at the January Town Meeting. The Town Officers present their decision to the March Advisory Meeting and get Advisory's input. The final decision is made at the March Town Meeting. *Danny* - Can the decision to preserve the principle be revised? *Steven* - The Town Assembly made that decision and the Town Assembly could revise it. *Danny* - But not to use it to pay off the Avery debt? *Steven* - No. *Tom Wheeler* - I was Executor on that bequest and Johanna was adamant that the funds not be used to pay off the debt.

Lynda Kolski - The Forest Committee and the Trustees have taken a lot of heat on the Renzetti property issue, a particularly difficult issue, given the nature of the leasehold. It puts very tight constraints on what can be done there. All parties have to accept that the Committee and Trustees are trying to come up with a solution that is fair not just to the Renzettis but to everyone. It is surrounded by forest land that is everybody's land. Once an exception is made, we can't undo it. *Elizabeth* - Thank you.

Beverly Barnett - I want to compliment the Committee on the excellent work they did on determining when and how to do tree removal.

Forest Committee Report Accepted.

Playground - Larry Walker

Since the June Town Meeting, the required Playground Equipment Inspections were held, and all equipment was inspected to determine that it was in good order. The August Inspection was held right before the Arden Fair to ensure that the equipment was in safe condition, especially since the equipment would be heavily used during that event. Several items were repaired to correct problems. In addition, all equipment was adult tested for safety.

The major maintenance project for this year will be the renovation of the area under the swings at the "Green Road" end of the Village Green. It is planned that the work will be done in late September to early October. Submitted by,

Mary Vernon and Larry Walker, Co-Chairs

Questions: None

Playground Committee Report Accepted.

Registration - Cecilia Vore

The Registration Committee will conduct the annual Budget Referendum, the election of the Arden Board of Assessors, and the Referendum on the Assessment Rate in October and November. The committee will review the list of eligible voters on Tuesday, Oct 4. Ballots will be mailed around Oct. 11, and will be counted on Wednesday, Nov. 2. The deadline for returning ballots (7:30 pm, Nov 2) will be printed on the ballot instructions that are mailed to each resident. Results will be posted on the bulletin boards and the Village website the day following the vote count. Please notify a member of the Registration Committee tonight if there are any changes to the eligible voters in your household. In a motion passed by the March 2011 Town Meeting, the Registration Committee was instructed to establish a procedure for absentee voting for the March election of Committees and Officers. We have established a procedure and an affidavit for absentee voting and posted the draft on the Arden website (see below). The affidavit is modeled closely on the State of Delaware Affidavit. We have copies available tonight and welcome comments on the clarity of the procedure and the affidavit through the end of the year. The affidavit (the request for an absentee ballot) may be submitted any time after Jan. 1 and a ballot will be supplied to the voter as soon as ballots are available in early March. The absentee ballot may be returned any time before 6 p.m. on the day of the election. Instructions for absentee balloting will be publicized in *The Arden Page* and in the Minutes that are mailed to residents in January and March.

Respectfully submitted,

Cecilia Vore, Chair

DRAFT/Absentee Voting for Committees and Officers

(This is a draft of the procedure for obtaining and submitting an Absentee Ballot, which will be presented to the Town Meeting on Sept 26, 2011. This information is intended to be posted on the Village government website under "Elections" and will also be disseminated through other public media, such as *The Arden Page*)

Standing committees and Town Officers are elected at the March Town Meeting. The election is conducted by secret ballot. All residents who are 18 years of age and who have resided in the Village of Arden for 6 months

prior to the election are eligible to vote at the Town Meeting. Beginning in March 2012, absentee voting will be available for all residents of Arden who cannot vote in person for the following reasons:

- the resident's business or occupation prevents him or her from voting at the Town Meeting. "Occupation" shall include care of a family member.
- the resident will be out of town on election day. This includes military service, college, or vacation as examples.
- the tenets or teachings of the resident's religion prevent participation in the election.
- the resident has a physical disability – either temporary or permanent – which prevents the resident from voting at the Town Meeting.

To obtain an absentee ballot, you must submit an Affidavit for Absentee Ballot to the Registration Committee. You can download the Affidavit for Absentee Ballot by clicking the link below or by contacting any member of the Registration Committee. Affidavits may be submitted any time after January 1st until one week before the election. Instructions and the deadline for submitting the Affidavit are included on the Affidavit itself. As soon as the ballot is printed (usually the first week in March), you will receive it and must return it either by mail or in person to the town office by 6 p.m. on the day of the election.

DRAFT / Village of Arden Affidavit for Absentee Ballot

For Election of Committees and Officers

ELIGIBILITY You are eligible to vote if you are 18 years of age and have resided in the Village of Arden for 6 months prior to the election.

Full name _____

Address _____

Phone(s) _____

E-mail _____

Address to which ballot is to be mailed if it is different from the address above

I request a ballot for the election on this date: _____

I do solemnly swear or affirm that I am unable to attend the Town Meeting to vote in the forthcoming election for the reason checked below and that the information contained herein is true: *Check the appropriate box below*

- ☐ My business or occupation prevents me from voting at the Town Meeting.
(“Occupation” may include care of a family member.)
- ☐ I will be out of town on election day.
(This includes military service, college, or vacation as examples.)
- ☐ The tenets or teachings of my religion prevent participation in the election.
- ☐ I have a physical disability – either temporary or permanent – which prevents me from voting at the Town Meeting.

My expected location on election day is _____

Voter signature _____

INSTRUCTIONS: Please return this completed and signed Affidavit by _____
to: **Arden Registration Committee • 2119 The Highway • Arden, DE 19810**

You may return this Affidavit by mail or by depositing it in the Village's locked mailbox at the Buzz Ware Village Center at the above address.

You will receive a ballot as soon as the ballots are printed, estimated to be _____.
Your ballot must be received by 6 p.m. on the evening of the election.

FOR REGISTRATION COMMITTEE USE ONLY

Date affidavit returned _____ Received by Reg. member _____

Date ballot mailed to voter _____ **OR** Date ballot delivered in person _____

by Registration Committee member _____

Questions:

Charles Robinson – Is it necessary to put where you are going to be on election day on the affidavit?
Cecilia – The affidavit will go only to the Registration Committee, but that is probably a question we could remove from the affidavit. *Charles* – Is sickness considered a physical disability? *Cecilia* – Yes. That was taken from the Delaware Affidavit and also the content of the Motion that was passed in March. *Charles* – I would suggest not having that box, just to limit information going out. *Cecilia* – I'll take that under advisement but am not sure about eliminating it.

Marianne Cinaglia – Congratulations to the Committee for their change of heart regarding the Absentee Ballot. How do people get an affidavit? *Cecilia* – The procedure is on the other side of the draft affidavit handout. *Marianne* – I too feel that putting your location on the affidavit is a safety issue. *Cecilia* – I'd like to get a show of hands from the Assembly to see how the others feel about that. Result: 50/50. *Marianne* – I'd like to suggest another checkbox for important personal commitments, e.g. attending a funeral, caring for a sick person, or any other legitimate reason for not being able to attend Town Meeting. *Cecilia* – I understand. *Marianne* – It says that the affidavit needs to be returned by "fill-in the blank." *Cecilia* – The Committee will put a date in there when they send out the affidavit, since the date of the election will change each year.

Connie McKinney – Can we access this when we are out of town? *Cecilia* – It will be on the website.

Registration Committee Report Accepted.

Safety – Dave Claney

While things in Lake Woebegone might be alright, things in Arden are not as rosy. There has been a slight uptick in vehicle break-ins. You can go to the state website to check your local crime statistics. I would like to remind everyone that fall has arrived and this means the days are getting shorter. Please refer to your calendars for the phase of the moon. Later in the season it may be dark early, however a week before and after the full moon there is plenty of light at night to see what one is doing. This is the time when a lot of people tend to get vehicle break-ins. I would like to remind people that we are not the only people out and about at night, and that we need to lock vehicles and doors at night. Please don't leave any valuables in vehicles. Another way to think about this for a different frame of reference: "If you left the windows down at night, is there anything anyone would grab?"

I have also looked into reports of fireworks being thrown at houses in Arden.

Finally please don't forget if there is an emergency to call 911 for ambulance, fire, and police. For all police non-emergencies, please call 573-2800. Please don't call town officials for complaints that should be referred to the police.

Questions: None

Safety Committee Report Accepted

Old Business - None

New Business

Town Official Elections – Warren Rosenkranz
MOVED

Due to the increased executive powers assumed by the Town Officials, I move that all open elected positions require no less than two times the number of candidates as there are open positions. Therefore, the positions of Chair of the Town Assembly, the chair of the Advisory Committee, the Town Secretary and the Town Treasurer each require a minimum of two qualified candidates for each position. The current policy has two candidates for each open position in the standing Committees.

SECONDED

Discussion-
Alton Dahl-
MOVED

I move to amend the Motion on the Floor by substituting “assumed by” with “assigned to.”

SECONDED

Call for the Question-

Language is changed to: “Due to the increased executive powers assigned to the Town Officials....”

PASSED

Discussion-

Cecilia Vore – The requirement for the number of nominees for open positions comes from the formation, in January 1968, of the Advisory Committee, which is tasked with acquiring two nominees for open committee positions. There is no mention of how many nominees are required for officers. The Town Meeting is empowered to define any regulation that is not defined specifically in the Act to Reincorporate.

Bill Theis – What happens if we can’t find two people to run for the officer positions?

Connee McKinney – The more we rotate in and out of these committee and officer positions the more we’ll have people in the Village to rely on. It becomes the institution memory. It is important that people understand what these positions entail. I will vote for this Motion.

Lynda Kolski – I agree with Connee. It is not an election if you don’t have two people running, but we still have the issue of finding people willing to run for the positions.

Alton Dahl – We need Aaron Hamburger back. When he asked me to run for a position and I hesitated, he said someone else is running and he is sure to win.

Bill Theis – Isn’t the Budget Committee supposed to make recommendations for the Treasurer position? How will this Motion affect that?

Gary Quinton – Because a particular skill set is needed for the Treasurer position, the Budget Committee would make at least the first cut recommendation for that position.

Cecilia – The Town Chair, Secretary, and Treasurer are administrative positions. The Town Chair is not the same as a Town Mayor. The Town Chair conducts the Town Meeting and represents the Town in terms of an official capacity that the State requires, but the power of the Town rests in the Town Meeting. It is very late in the meeting now and this is an important issue.

MOVED

I move that we table this Motion until the January Town Meeting.

SECONDED

PASSED. The Ayes have it.

Good & Welfare

Lisa Mullinax – Thank you to Tom Wheeler and Larry Walker for clearing out the storm drains on Millers Rd. before the storm.

Steven Threefoot – I was impressed with the use of the *Ardenistas* Facebook group during and after the hurricane to get information around to people very quickly. Also I will not be running for re-election in March. It is important for there to be turnover in these positions. If anyone is interested in running please contact Bill Theis, the Advisory Committee Chair, and me if you would like to know more about the position.

Meeting Adjourned at 10:40 PM

Respectfully submitted,
Elaine Hickey, Secretary, Village of Arden

ATTACHMENTS

Trustees of Arden
Quarterly Report
August 24, 2011

Assets

Arden B&L	\$148,978.88
Wilmington Trust	478,658.64
Vanguard Bequest Funds	227,031.86
Vanguard Village Reserve	<u>4,424.66</u>
Total Current Cash & Equiv	\$859,094.04

Income

Land Rent & Related Income	\$570,174.89
Investment Income All Sources	<u>6,834.84</u>
Total Income	\$577,009.73

Expenses

New Castle County	355,271.69
Rebates	24,774.60
Village of Arden	100,000.00
Insurance	8,772.00
Third Party Audit	0.00
Third Party Bookkeeping	1,104.77
Third Party Legal	0.00
Third Party Engineering/Other	0.00
General Administration	<u>3,730.43</u>
Total Expenses	\$493,653.49

Trustee:

Mike Curtis

Admin. Asst:

Judith Nichols

UNAUDITED
FOR DISTRIBUTION
AND DISCUSSION
PURPOSES ONLY
FOR ARDEN
TOWN ASSEMBLY

Village of Arden
Statement of Financial Position
As of September 26, 2011

Checking/Savings

1000 - TD Bank Operating Account	27,932	General operating
1005 - ING Direct	61,585	General operating
Total Checking/Savings - Village Funds	89,517	Total general operating

1011 - TD Bank EECBG checking acct	66,081	EECBG grant expenses
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1010 - TD Bank MSA Checking Account	14,244	Municipal Street Aid
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1032 - Arden Building & Loan	25,000	Schroeder Bequest
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1005 - ING Direct	100,252	Schroeder Bequest
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1033 - Vanguard Money Market	270,597	Schroeder Bequest
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Total Schroeder Bequest	395,850	Total Schroeder Bequest
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1030 - Arden Building & Loan	12,342	Hamburger Lecture Series
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1031 - Arden Building & Loan	569	Buzzware Funds
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TOTAL ASSETS	578,603	
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LIABILITIES

2000 - Accounts Payable	1,257	
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2010 - Payroll Liabilities	660	
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Total Liabilities	1,916	
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FUND BALANCES

Buzz Ware Renovation Fund	4,860	
Lecture Series	12,342	
J Schroeder Bequest	395,850	\$4,000 committed towards FY12
Memorial Garden	7,821	
MSA	14,244	
EECBG	66,081	
Village - general fund	75,489	

Total Equity	576,687	
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TOTAL LIABILITIES & EQUITY	578,603	
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UNAUDITED
FOR DISTRIBUTION
AND DISCUSSION
PURPOSES ONLY
FOR ARDEN
TOWN ASSEMBLY

Village of Arden
Statement of Financial Activity
3/25/11 - 9/26/11

	3/25/11-9/26/11	Budget	Footnotes	% to Budget
Revenue				
4000 - General Funds - Village	100,000	212,400		47.08%
4200 - Grants	1,800	-	1	
4800 - Bequest	500	-	2	
4510 - Franchise Fee Receipts	4,174	-		
4900 - Interest Income	249	-		
Total Revenue	106,723	212,400		50.25%
Expenses				
6000 - Payroll & Payroll Taxes	5,875	12,184		48.22%
6300 - Administrative Expenses	2,190	9,500		23.05%
6900 - Audit,Bkping,PR Expenses	-	6,000		0.00%
8000 - Committee Expenses	18,974	71,140		26.67%
8010 - Contributions & Donations	5,900	5,900		100.00%
Contingency Fund	-	9,500		0.00%
Capital, maintenance & repair fund	-	10,000		0.00%
8030 - Trash Service	40,501	72,000		56.25%
9000 - Debt Service	9,374	16,176		57.95%
Total Expense	82,816	212,400		38.98%
Surplus (deficit)	23,907	-		
Committee	Actuals YTD	Budget		
Advisory	-	200		0.00%
Archives	128	1,440		8.89%
Assessors	-	50		0.00%
Buzz Ware	-	7,000		0.00%
Civic	12,446	51,250		24.28%
Community Planning	-	1,000		0.00%
Forest	3,400	5,000		68.00%
Playground	3,000	3,000		100.00%
Registration	-	200		0.00%
Safety	-	2,000		0.00%
	18,974	71,140		26.67%
Footnotes:				
1) State of Delaware payment towards last fiscal years forrest committee expenses				
2) The estate of Wendy Degarmo gave a bequest of \$500 to the Village of Arden				

UNAUDITED
FOR DISTRIBUTION
AND DISCUSSION
PURPOSES ONLY
FOR ARDEN
TOWN ASSEMBLY
9/26/11

Village of Arden

Special Village Funds									
	BuzzWare 3/25/11-9/26/11	Budget	% to Budget	Buzz renovation 3/25/11-9/26/11	Hamburger Lecture Series 3/25/11-9/26/11	J. Schroeder Bequest 3/25/11-9/26/11	Memorial Garden 3/25/11-9/26/11	MSA 3/25/11-9/26/11	EECBG 3/25/11-9/26/11
Revenue									
4000 - General Funds - Village		7,000	0.00%						
4010 - Donations	3,250	5,000		4,843	-	-	2,946	-	-
4200 - Grant Revenue	-	-	#DIV/0!	-	-	-	-	-	75,000
4400 - Rentals	8,851	21,802	40.50%	-	-	-	-	-	-
4900 - Interest Income	-	-	-	-	-	1,371	-	-	-
Total Revenue	12,101	33,802	35.50%	4,843	-	1,371	2,946	-	75,000
Expenses									
5000 - Payroll & PR Taxes	5,589	14,133	39.54%	-	-	-	-	-	-
5300 - Administrative Expenses	170	155	109.88%	-	-	-	-	-	-
5310 - Janitorial Supplies	507	917	55.31%	-	-	-	-	-	-
5500 - Equipment Purchases		250	0.00%	-	-	-	-	-	-
5900 - Audit/Bkping, PR Expenses	16	225	7.22%	-	-	-	-	-	-
7020 - Utilities	3,249	9,537	34.07%	-	-	-	-	-	-
7060 - Licenses/Permits/Fees/Alarm/Monitoring	500	765	63.74%	-	-	-	-	-	-
7500 - Renovations		1,000	0.00%	-	-	-	-	-	-
7600 - Repairs & Maintenance	616	4,000	15.39%	-	-	-	-	-	-
8000 - Program Expenses		2,800	0.00%	1,129	-	-	1,216	-	8,919
Total Expense	10,647	33,802	31.50%	1,129	-	-	1,216	-	8,919
Surplus (Deficit)	1,454	-		3,714	-	1,371	1,730	-	66,081
4599 Carried forward fund balance				1,146	12,342	394,479	6,091	14,244	-
Fund balance				4,850	12,342	395,850	7,821	14,244	66,081
Balance Available for Grants						4,000			

Alternative Assessment Proposal 2011 for presentation to the Town Meeting in September

This Assessment Proposal adopts the principle of the Community Standard of Living Method of Arden Assessment in use since 1980 as the basis for determining total land rent.

The "Community Standard of Living Method of Arden Assessment" defines total "Full Rental Value" of the leaseholds as the sum of town expenses (both "non-budget" in the form of county and school taxes, and "budget" as embodied in the town's budget), and the cost of administering the trust, while maintaining a "prudent reserve". This method divides full rental value by acreage of land held privately in leaseholds, such divisions determined by assessment formulas. The formulas, which are intended to reflect the relative value of leaseholds, are based on lot size, zoning privileges and location factors (see rates and factors below).

This Proposal continues to endorse the principles of real estate practice in the wider community, which are embodied as a multi-tier evaluation of leasehold area. The "**A rate**" is the base rate, common to all leaseholds – assigned to the first 7,116 square feet, the area of the smallest leasehold in Arden. The multiple domicile rate (the "**B rate**") is set by this Proposal at 80% of the "A rate". For each dwelling unit beyond the first, the leasehold is charged the B Rate for an additional 7,116 square feet but is not charged for more than the actual area of the leasehold. The "**C rate**" is applied to the amount of land on a leasehold not covered by the A or B rates. It is assessed at 40% of the "A rate." The "**D rate**" is the commercial rate, only applied to one leasehold. It continues at a surcharge of 75%, with no deduction for frontage on Marsh Road. The A, B, and D rates in this Proposal, expressed as a per cent of the A rate, are identical to those used by Boards of Assessors for many years.

The specific location factors are as follows.

- | | |
|---|------|
| 1. Leaseholds adjacent to Arden or Sherwood Forests | +10% |
| 2. Leaseholds fronting on Arden or Sherwood Forest by being across the street | +5% |
| 3. Leaseholds adjacent to or fronting on a communal green | +5% |
| 4. Leaseholds adjacent to Harvey Road and/or Marsh Road | -5% |
| 5. Leaseholds having driveway access only to Harvey Road and/or Marsh Road | -5% |

Notes

1. The specific location factor charges (in dollars) to be added to or subtracted from the sum of the Base Land Rent are obtained by multiplying the Base Land Rent for the leasehold by the appropriate specific location factors as given above.
2. Leaseholds having less than a 25 foot opening to the forest will not be charged a woods factor. More than that frontage to the forest will be considered a full access and charged a full factor.
3. Location factors 4 and 5 are additive if both are applicable.

Based on information obtained presented the following figures. In order to meet the 2011-12 forecast expenditures of \$656,882 and to produce a reserve of \$137,734, the A Rate is set at \$236 per thousand square feet.

This Alternative Proposal accepts these data and calculations. from the Budget Committee, the Village Treasurer and the Trustees, the Board of Assessors

1) Forecast Expenditures

School & County Taxes	\$399,432
Trust Administration	38,900
Sherwood Forest Loan	16,176

Arden Town Budget	202,374
Total Forecast Expenditures	\$656,882

2) Forecast Revenue

Forecast Revenue from sources other than land rent	\$28,000
Total Revenue from land rent	\$593,000
Total expected revenue	\$621,000

3) Prudent Reserve

Expected difference between expenditures and revenue	\$(36,000)
Projected March 2012 prudent reserve	\$174,000

Target prudent reserve projected for March 30, 2013	\$138,000
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THE 2011 ALTERNATIVE ASSESSMENT PROPOSAL Presented to the Town Assembly by

Alton Dahl
Tom Wheeler

Examples of base rentals comparing this proposal to the Board of Assessors:

<u>No of leaseholds</u> <u>In this range</u>	<u>Lot Size</u> <u>(sq ft)</u>	<u>This Proposal</u>	<u>Assessors</u>	<u>Difference</u>
1	7116	\$1679	\$1,850	+\$171
18	10,000	\$1,952	\$2,089	+\$137
131	20,500	\$2,896	\$2,917+\$0	
36	30,000	\$3,840	\$3,745-\$95	
13	40,000	\$4,784	\$4,573-\$211	
7	55,700	\$6,321	\$5,873-\$448	
1	83,500	\$8,977	\$8,175-\$802	

Examples of rate calculations using this proposal:

1. A 20,000 sq. ft. lot containing one dwelling unit, on a village green and adjacent to a forest:

7,116 sq. ft. X \$236 / M sq. ft.	\$1,679
12,884 sq. ft. X \$236 / M sq. ft. X 40%	\$1,216
Base Land Rent	\$2,896

Forest Factor - \$2,834 / X 10% \$290

Greens Factor - \$2,834 / X 5% \$145

Total Land Rent	\$3,330
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2. A 30,000 sq. ft. lot containing three dwelling units and adjacent to Arden Forest:

7,116 sq. ft. X \$236 / M sq. ft.	\$1,679
7,116 sq. ft. X 2 X \$236 / M sq. ft. X 80%	\$2,687
8,652 sq. ft. X \$236 / M sq. ft. X 40%	\$817
Base Land Rent	\$5,183

Forest Factor - \$5073 X 10% \$507

Total Land Rent	\$5,701
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2012 – 2013 ARDEN BUDGET BALLOT

For the expenditure of town funds for the fiscal year beginning March 25, 2012, and ending March 24, 2013
See accompanying notes to Fiscal Year 2012-2013 Arden Budget Ballot on back of this form.

<u>PROJECTED INCOME</u>			<u>PROJECTED EXPENSES</u>		
	<u>Notes</u>		<u>Non-Budget Expenses</u>	<u>Notes</u>	
Land Rent	1	\$ 593,000	County Taxes	5a	\$ 91,329
Delaware Municipal Street Aid	2	\$ 14,116	School Taxes	5b	\$300,861
Interest and other Income	3	\$ 21,800	Trash Service	6	\$ 75,000
Buzz Ware Village Center	4	\$ 29,000	Trust Administration	7	\$ 35,600
			Village Non-budget	8	\$ 27,684
			Buzz Ware Operations	9	\$ 29,000
			Long-term Debt Service	10	\$ 16,176
			Delaware Municipal Street Aid	11	\$ 14,116
Total Projected Income		\$ 657,916	Total Non-Budget Expenses		\$ 589,766
Reserve Funds	3	\$ 167,000	Proposed Budget Expenses		\$ 103,190
TOTAL Funds Available		\$ 825,616	TOTAL Expenses		\$ 692,956

DIRECTIONS FOR VOTING: Please choose one of the following - either #1 or #2:

#1. Approve or disapprove the entire budget by marking an X in the box next to your choice.

I approve of the entire budget..... ☐

I disapprove of the entire budget ☐

OR

#2. Disapprove individual items by marking an X in the accompanying box (☐).

Any items not marked will be counted as approved.

If you choose to disapprove individual items below, DO NOT mark either of the items in #1 above.

	NOTES*		disapprove		NOTES*		di
Advisory Committee	12	\$ 200	<input type="checkbox"/>	Safety- Speed Enforcement	22	\$ 1,000	
Archives	13	\$ 1,440	<input type="checkbox"/>	Buzz Ware Support	23	\$ 7,000	
Board of Assessors	14	\$ 50	<input type="checkbox"/>	Donations – ACRA	24a	\$ 1,500	
Capital, Maintenance, and Repair Fund	15	\$ 10,000	<input type="checkbox"/>	Donations – Arden Page	24b	\$ 1,500	
Civic Committee	16	\$ 53,000	<input type="checkbox"/>	Donations – Arden Library	24c	\$ 800	
Community Planning	17	\$ 1,000	<input type="checkbox"/>	Donations – Fire Companies	24d	\$ 1,600	
Forests Committee	18	\$ 8,000	<input type="checkbox"/>	Donations – Arden Club	24e	\$ 500	
Playground Committee	19	\$ 4,300	<input type="checkbox"/>	Contingencies	25	\$ 10,000	
Registration Committee	20	\$ 200	<input type="checkbox"/>	Budget	26	\$ 100	
Safety Committee: General	21	\$ 1,000	<input type="checkbox"/>				

TOTAL PROPOSED BUDGET EXPENSES: \$ 103,190

POLICY STATEMENT: The total approved expenditure limits the fiscal year expenditure to that amount unless additional funds are approved by referendum. Funds may be shifted between line items with approval of the committees involved and the Treasurer.

Notes to 2012 - 2013 ARDEN BUDGET BALLOT • Prepared Sept. 2011

INCOME:

1. **Land Rent** – Based on Assessor's report from June 2011 town meeting. Note that Trustee will transfer money to the town to cover towns budget.
2. **Delaware Municipal Street Aid** – Annual street aid. The State of Delaware is providing funds for the FY 2012.
3. **Interest and other Income** – Income from the following sources:
 - a. **Rights-of-way**
 - i. **Cable** – \$6,500
 - ii. **Antenna** – \$5,600
 - iii. **Meadow Lane** - \$700
 - b. **Investment income** – \$8,000
 - c. **Miscellaneous** – \$1,000

Reserve – Combination of Trustees' Prudent Reserve (\$132,000) and Town's Prudent Reserve (\$25,000) and accrued capital fund of \$10,000. If alternative assessment is approved the reserve number will change.
4. **Buzz Ware Village Center** – Estimated income from rentals, programs, and gifts based on 2011/12 values.

NON-DISCRETIONARY EXPENSES:

5. **Property Taxes** – Decrease of \$18875 2011-2012 budget.
 - a. **County Taxes** – New Castle County taxes are estimated to stay flat compared to YE 2012 levels.
 - b. **School Taxes** – School Taxes are estimated to be flat. If referendum passes prudent reserve will be needed to cover difference.

NOTE: The New Castle County property and school taxes are grossed up to include rebates paid to qualifying leaseholders.

6. **Trash/Recycle Service** – Increase cost of \$3,000.
7. **Trust Administration**
 - a. **Audit** – \$3,000
 - b. **Insurance** – \$10,000 (Trust and Village)
 - c. **Professional/Legal** – \$3,200
 - d. **Administrative/Operations** – \$17,000
 - e. **Office Rent** – \$2,400
8. **Village Non-budget**
 - a. **Operation and Fees** – \$15,500
 - i. **Audit**-\$6,000
 - ii. **Printing, postage, phone, internet** - \$3,940
 - iii. **Admin** - \$5,560
 - b. **Salaries** - \$10,504
 - c. **Payroll taxes** – \$1,680
9. **BWVC Operations** – Estimated expenses for operating and maintaining the facilities (includes cleaning, utilities, routine maintenance, etc.)
10. **Long-term Debt Service** – Purchase of Sherwood Forest property.
11. **Delaware Municipal Street Aid** – Annual Street Aid – pass-through expense.

DISCRETIONARY BUDGET EXPENSES:

12. **Advisory** – No change
13. **Archives** – No change
14. **Board of Assessors** – No change
15. **Capital, Maintenance, and Repair Fund** – Continuation of fund created at June 2010 town meeting. This is a carryover fund to allow the village to request funds for capital, maintenance or repairs.
16. **Civic** – Increase of \$1,750.
17. **Community Planning** – No change
18. **Forests** – Increase of \$3000.
19. **Playground** – Increase of \$1300
20. **Registration** – No change
21. **Safety** – No change
22. **Speed Enforcement** – Fees for Harvey Rd. - No Change
23. **Buzz Ware Support** – Village support for BWVC based on prior years' experience (Maintenance/Operations). These funds would only be used in case of budget income shortfall from rentals.
24. **Town Expenses**
 - a. **ACRA Donations** – No change
 - b. **Arden Page Donations** – No change
 - c. **Arden Library Donation** – No Change
 - d. **Fire Companies Donation** – No change
 - e. **Arden Club Donation** – No Change
25. **Contingencies** – Increase of \$500
26. **Budget** – \$100 for administrative expenses

Deadline:

**Ballots must be received by
6pm November 3, 2011**